

FILED

FEB 28 2008

United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: SAN FRANCISCO

V.

Ping Ly,
a/k/a Shing Hoi Ly**CRIMINAL COMPLAINT**

3 08 70108

CASE NUMBER:

MEJ

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 2, 2004, in San Francisco County, in the Northern District of California defendant willfully and knowingly make false statements in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States for his use or the use of another, in violation of Title 18 United States Code, Section 1542.

I further state that I am a Special Agent of the Diplomatic Security Service and that this complaint is based on the following facts:

See attached Affidavit in Support of Criminal Complaint

Maximum Penalties:

Title 18 U.S.C. Section 1542:

10 years of imprisonment; \$250,000 fine; 3 years of supervised release; and \$100 special assessment fee

APPROVED AS TO FORM:


Wendy Thomas, SAUSAContinued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested:

☒ Yes ☐ NoBail Amount: N/A
Signature of Complainant, Scott Bender

Sworn to before me and subscribed in my presence,

February 28, 2008

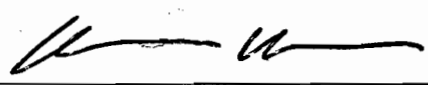
Date

at San Francisco, California

City and State

Nandor J. Vadas**United States Magistrate Judge**

Name & Title of Judicial Officer


Signature of Judicial Officer

NORTHERN DISTRICT OF CALIFORNIA)
) ss. AFFIDAVIT
City and County of San Francisco)

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT CHARGING
PING HOI LY, A/K/A SHING HOI LY,
WITH VIOLATING 18 U.S.C. 1542,
FALSE STATEMENTS IN APPLICATION AND USE OF PASSPORT

I, Scott Bender, as a duly sworn federal law enforcement officer, hereby depose and state as follows:

1. I am a Special Agent ("SA") employed by the Diplomatic Security Service ("DSS"), which is an agency of the United States Department of State. DSS Special Agents are empowered under Title 22 U.S.C. § 2709 to investigate passport fraud.

2. I have a Bachelor's degree from The University of Arizona and am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program ("FLETC"). I have been employed by DSS since January of 2006, and have received and receive on an ongoing basis, training in the laws, rules and regulations concerning passports, visas, and citizenship documents.

3. This affidavit establishes probable cause to arrest Ping Hoi Ly a/k/a Shing Hoi Ly for False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542. It should be noted that 18 U.S.C. § 3291 provides for a ten year statute of limitations for passport offenses. This affidavit does not contain every fact, piece of information or evidence concerning this alleged violation.

Passports in General

4. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in 22 U.S.C. § 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing.

Facts Supporting Probable Cause

5. On January 2, 2004, the defendant ("Ping Ly" a/k/a "Shing Hoi Ly") submitted a U.S. passport application #057362298, bearing the false name Shing Hoi Ly, to the San Francisco Passport Office. The San Francisco Passport Office is located in the Northern District of California.

6. Along with the passport application, the defendant submitted a Nevada Driver's License and a California Birth Certificate as proof of U.S. citizenship. The Nevada Driver's License bore a picture of Ping Ly, but the false name Shing Hoi Ly. The birth certificate also has the false name of Shing Hoi Ly.

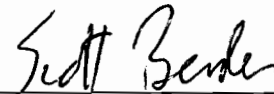
7. During the processing of this application, it was discovered that a U.S. passport has previously been issued under the name Shing Hoi Ly. Upon inspection, your affiant and SA Kaley Kitto noticed that the photos submitted with the defendant's application (Nevada Driver's License and passport photo attached to the application) did not match the photograph that is on record for the previous passport issued under the name Shing Hoi Ly.

8. On October 1, 2007, DSS SA Kitto and your affiant interviewed the true Shing Hoi Ly at the San Francisco Passport Office. The true Shing Hoi Ly denied submitting the instant passport application #057362298. He stated that the photographs submitted and attached to the passport application were those of his brother, Ping Ly (a/k/a Shing Hoi Ly).

9. On October 11, 2007, your affiant reviewed records, photographs, and a right-hand fingerprint on file with the California DMV for the California Driver's License (#D2175224) of Ping Ly. Your affiant compared the CA DMV photo of Ping Ly with the photograph submitted with the passport application #057362298 and observed that the person in both photos was the same.

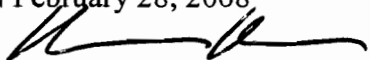
Conclusion

10. Based on the facts and information detailed in the affidavit, I believe probable cause exists that Ping Ly a/k/a Shing Hoi Ly made false statements in an application for a passport, in violation of 18 U.S.C. § 1542, when he falsely stated his name was Shing Hoi LY on the above mentioned United States passport application. As such, I respectfully request a warrant for his arrest.



Scott Bender
Special Agent
Diplomatic Security Service
San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
ON February 28, 2008



The Honorable Nandor J. Vadas
U.S. Magistrate Judge
Northern District of California